

BEFORE THE  
OFFICE OF ADMINISTRATIVE HEARINGS  
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

DOWNEY UNIFIED SCHOOL DISTRICT.

OAH Case No. 2015110523

ORDER DENYING REQUEST FOR  
CONTINUANCE WITHOUT  
PREJUDICE

On December 7, 2015, the parties filed a joint first request to continue the dates in this matter with the Office of Administrative Hearings

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Denied without prejudice. The parties' request to advance the mediation from December 16, 2015 to December 9, 2015, at 9:00 a.m. cannot be accommodated on short notice and further, does not comply with OAH 9:30 start time for mediations. Therefore the current mediation date remains on calendar, without prejudice to further requests. The parties' requested hearing dates do not comply with OAH scheduling practices, as they include a holiday and a Saturday. Therefore the current hearing and pre-hearing dates remain on calendar, without prejudice.

IT IS SO ORDERED.

DATE: December 07, 2015

/s/

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JUNE R. LEHRMAN  
Presiding Administrative Law Judge  
Office of Administrative Hearings